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10/602,804	06/24/2003	John C. C. Mcilwaine	07117.105014 US CON	1098

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EXAMINER  
NGUYEN, QUYNH H

ART UNIT 2614  
PAPER NUMBER

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n N .</b> 10/602,804	<b>Applicant(s)</b> MCILWAINE ET AL.	
	<b>Examiner</b> Quynh H. Nguyen	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 23-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23-26, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al. (U.S. Patent 6,356,632).

As to claim 23, Foster et al. teaches the steps of: scheduling a time slot so that the agent can accept training information without disrupting the agent's interaction duties (col. 4, lines 11-18); terminating the interaction duties for the agent before providing the training information to the agent (col. 3, lines 10-17; col. 5, lines 39-41). Since agent's schedule breaks or training session are scheduled in advance (Fig. 3, 200; col. 5, lines 35-41), hence it would have been obvious to one of ordinary skill in the art at the time the invention was made that the agent already knows ahead of time the time of the scheduled time slot that the training information is available.

As to claim 24, Foster et al. teaches terminating the interaction duties is performed by the agent (col. 3, lines 10-17; col. 5, lines 39-41).

As to claim 25, Foster et al. teaches monitoring the agent to determine whether the agent is engaged in the interaction duties (col. 6, lines 6-19).

Claim 26 is rejected for the same reasons as discussed above with respect to the second limitation of claim 1.

As to claim 29, Foster et al. teaches terminating the training information occurs only of the agent has attained a predetermined performance score (col. 2, lines 16-20).

As to claim 31, Foster et al. teaches a computer-readable medium having computer-executable instructions for performing the steps recited in claim 23 (col. 3, lines 38-57).

3. Claims 27-28, 30, and 44-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al. (U.S. Patent 6,356,632) in view of Shaffer et al. (U.S. Patent 6,128,380).

As to claim 27, Foster et al. does not teach providing the training information from which the agent can select a training segment.

Shaffer et al. teaches providing the training information from which the agent can select a training segment (col. 5, lines 12-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Shaffer into the teachings of Foster for the purpose of allowing the agent to select what training is suitable for him or her, since the agent himself or herself is the one who knows what he or she needed. To be trained on.

As to claims 28 and 49, Shaffer et al. teaches monitoring a work distribution component while providing the training information to the agent; and if a workload of the

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work distribution component exceeds a predetermined criteria, terminating the training information to enable the agent to engage again in the interaction duties (col. 6, lines 37-66).

As to claim 30, Shaffer et al. teaches postponing the training information if the queue becomes very full or no agent engaging in the interaction duties since agents are in training (col. 6, lines 37-42).

As to claim 44, Foster et al. teaches the steps of: scheduling a training session so that the contact agent can accept training information without disrupting the interaction duties of the contact agent (col. 4, lines 11-18); disconnecting the contact agent from a contact engine so that the contact agent does not perform the interaction duties during the training session (col. 3, lines 10-17; col. 5, lines 39-41).

Foster et al. does not explicitly teach providing the training information to the contact agent during the training session; and if the contact center has a workload that exceeds a predetermined threshold, terminating the training session and connecting the contact agent to the contact engine to permit the agent to perform the interaction duties.

Shaffer et al. teaches providing the training information to the contact agent during the training session (col. 4, lines 6-17); and if the contact center has a workload that exceeds a predetermined threshold, terminating the training session and connecting the contact agent to the contact engine to permit the agent to perform the interaction duties (col. 6, lines 37-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Shaffer into the teachings of Foster

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for the purpose of better load balancing in monitoring and managing the performance of the call center.

Claims 45-47 are rejected for the same reasons as discussed above with respect to the first limitation of claim 39.

As to claim 48, Foster et al. teaches scheduling a training session comprises receiving performance data for the contact agent (col. 5, lines 5-18).

Claim 50 is rejected for the same reasons as discussed above with respect to the third limitation of claim 29.

Claim 51 is rejected for the same reasons as discussed above with respect to

As to claim 52, Foster et al. teaches a computer-readable medium having computer-executable instructions for performing the steps recited in claim 23 (col. 3, lines 38-57).

4. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (U.S. Patent 6,128,380).

As to claim 33, Shaffer et al. teaches sending information related to the enqueued calls along with receiving information related to agent assignment and training (col. 4, lines 55-60). Shaffer et al. does not explicitly teach notifying the contact agent via an email message that the training session is scheduled. It would have been obvious to one of ordinary skill in the art at the time the invention was made sending information to agent would also be accommodated via email.

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5. Claims 37, 41, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (U.S. Patent 6,128,380) in view of Foster et al. (U.S. Patent 6,356,632).

Claim 37 is rejected for the same reasons as discussed above with respect to claim 28.

Claim 41 is rejected for the same reasons as discussed above with respect to claim 25.

As to claim 53, Shaffer et al. teaches the steps of: a communications network that supports communication between an agent of the organization and the constituents (col. 3, line 62 through col. 4, line 6); receiving data and workload data and delivering training session for the agent based on the agent's availability to accept training (col. 3, lines 19-23; col. 4, lines 8, lines 17); and an information delivery component adapted to deliver information to the agent during the training session (col. 4, lines 10-12).

Shaffer et al. does not explicitly teach about scheduling.

Foster et al. teaches scheduled training session and information (col. 3, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Foster into the teachings of Shaffer for the purpose of better managing and load balancing call center according the scheduled information.

As to claim 54, Shaffer et al. teaches the workload data is agent workload data (col. 3, lines 18-19; col. 4, lines 8-10).

As to claim 55, Shaffer et al. teaches the workload data is organization workload data (col. 3, lines 17-18 - *waiting queue in call center*).

As to claim 56, Shaffer et al. teaches determining whether the agent is available to receive information during the scheduled training session (col. 4, lines 8-12).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 32, 34-36, 38-40, and 42-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al. (U.S. Patent 6,128,380).

As to claims 32 and 39, Shaffer et al. teaches the steps of: accepting call center load data from the work distribution component operable for receiving and distributing incoming contacts (col. 4, lines 2-12); analyzing the call center load data to determine when to schedule a training session for the contact agent (col. 4, lines 8-12); and scheduling the training session so that the contact agent can accept training information without disrupting the interaction duties of the contact agent (col. 4, lines 10-17).

Claims 34 and 42 are rejected for the same reasons as discussed above with respect to claim 32.



As to claim 35, Shaffer et al. teaches accepting agent performance data from a quality monitoring component; and analyzing the agent performance data in combination with the call center load data to determine when to schedule the training session (col. 5, lines 5-18).

As to claim 36, Shaffer et al. teaches determining whether the contact agent is engaged in the interaction duties and in the absence of participation in the interaction duties, available to receive the training information (col. 5, line 66 through col. 6, line 3).

As to claims 38 and 43, Shaffer et al. teaches a computer-readable medium having computer-executable instructions for performing the steps recited in claim 32 (Fig. 1; col. 3, line 62 through col. 4, line 6).

As to claim 40, Shaffer et al. teaches monitoring the agent during the predicted time to determine whether the agent is available for the training session; and if the agent is available, delivering the training session to the agent (col. 4, lines 8-12).

### ***Double Patenting***

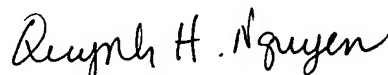
8. The double patenting rejection will be considered between the instant application and U.S. Patent 6,628,777 in future office actions.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Quynh H. Nguyen**  
**Patent Examiner**  
**Art Unit 2614**